

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SUSQUEHANNA COMMERCIAL FINANCE, INC.	:	No. 1:09-CV-2012
	:	
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Conner)
	:	
VASCULAR RESOURCES, INC.,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

This action was removed by the Defendant from the Court of Common Pleas of York County on October 16, 2009. (Doc. 1.) April 30, 2010, the Plaintiff filed a motion for leave to amend the Plaintiff's complaint to add various causes of action, and to name additional Defendants. (Doc. 69.)

While we note that the Defendants have not concurred in this motion, it appears that the standards governing such motions strongly favor amendment of pleadings, like those proposed by the Plaintiff here. Such motions are governed by Rule 15(a) of the Federal Rules of Civil Procedure, which expressly favors liberal amendment of pleadings and provides that the Court should freely give leave to amend when justice so requires. Moreover, Rule 15(d) allows for amendment of pleadings in

instances such as this, where evidence reveals an aspect to the transactions making up the lawsuit which should, in fairness, be addressed through the litigation but which requires amendment of the complaint. Specifically the proposed amended complaint recites that funds allegedly solicited from the Plaintiff for one specific purpose were in fact used by the Defendants for an entirely different purpose, allegations which would be relevant to a number of causes of action outlined in the amended complaint.

Accordingly, on May 10, 2010 we directed the Defendants to show cause why this motion should not be granted no later than May 14, 2010, or notify the Court by May 14 that they do not object to the amendment of the complaint. The Defendants have now notified the Court that they have no objection to this amendment of the complaint. (Doc. 73.)

Accordingly, for the foregoing reasons, IT IS ORDERED that the Plaintiff is GRANTED leave to file and serve a second amended complaint in this action. The Plaintiff shall forthwith file and serve the second amended complaint which was appended to the Plaintiff's motion for leave to file (Doc 69-1.)

SO ORDERED, this 12th day of May, 2010.

S/Martin C. Carlson
United States Magistrate Judge